



General Assembly

**Substitute Bill No. 5744**

January Session, 2005

\* \_\_\_\_\_HB05744PS\_\_\_\_\_060105\_\_\_\_\_\*

**AN ACT CONCERNING ENFORCEMENT OF SPEEDING AND TRAFFIC CONTROL SIGNAL VIOLATIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 14-107 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2005*):

4 (b) Whenever there occurs a violation of section 10a-79, 10a-92, 10a-  
5 139, 14-218a, 14-219, 14-222, 14-223, 14-224 or 14-253a, [or] sections 14-  
6 275 to 14-281, inclusive, or section 14-299 or a violation of an  
7 ordinance, bylaw or regulation of any town, city or borough in regard  
8 to parking, proof of the registration number of any motor vehicle  
9 therein concerned shall be prima facie evidence in any criminal action  
10 or in any action based on an infraction that the owner was the operator  
11 thereof, except in the case of a leased or rented motor vehicle, such  
12 proof shall be prima facie evidence in any criminal action that the  
13 lessee was the operator thereof.

14 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) For the purposes of  
15 sections 2 to 4, inclusive, of this act, "automated traffic enforcement  
16 device" means a device that (1) is designed to automatically record the  
17 image of the license plate of a motor vehicle that is (A) traveling at a  
18 speed in excess of the speed limit established for a street, road,  
19 highway or parking area, or (B) entering an intersection in violation of

20 a traffic control signal, and (2) indicates on the recorded image  
21 produced the date, time of day, location of the violation and, if it is a  
22 speed enforcement device, the speed of the motor vehicle or, if it is a  
23 traffic control signal enforcement device, the traffic control signal.

24 (b) Any municipality may, by ordinance, authorize the use of  
25 automated traffic enforcement devices to enforce the provisions of any  
26 ordinance regulating the speed of vehicles or of section 14-218a, 14-219  
27 or 14-299 of the general statutes, and establish a fine not to exceed one  
28 hundred dollars for any violation of such ordinance or said section 14-  
29 218a, 14-219 or 14-299 that is detected and recorded by such device.

30 (c) Whenever a violation of an ordinance regulating the speed of  
31 motor vehicles or of section 14-218a, 14-219 or 14-299 of the general  
32 statutes is detected and recorded by an automated traffic enforcement  
33 device, the law enforcement agency shall, not later than five days after  
34 the alleged violation, mail a citation to the registered owner of the  
35 motor vehicle and a copy of the recorded image or images produced  
36 by the device. Proof of the registration number of the motor vehicle  
37 therein concerned shall be prima facie evidence that the owner was the  
38 operator thereof, except that, in the case of a leased or rented motor  
39 vehicle, such proof shall be prima facie evidence that the lessee was the  
40 operator thereof, as provided in subsection (b) of section 14-107 of the  
41 general statutes, as amended by this act. A citation shall not be issued  
42 under this subsection unless a sign was posted on the street, road,  
43 highway or parking area where the automated traffic enforcement  
44 device was used not less than thirty days prior to such use providing  
45 notice to operators of motor vehicles that such device may be used to  
46 enforce speeding and traffic control signal laws on such street, road,  
47 highway or parking area.

48 (d) Any fine collected by a municipality pursuant to this section  
49 shall be deposited into the general fund of the municipality or in any  
50 special fund designated by the municipality.

51 Sec. 3. (NEW) (*Effective October 1, 2005*) (a) Any town, city or

52 borough that adopts an ordinance as provided in section 2 of this act  
53 shall establish by ordinance a speeding and traffic control signal  
54 violation hearing procedure in accordance with this section. The  
55 Superior Court shall be authorized to enforce the assessments and  
56 judgments provided for under this section.

57 (b) The chief executive officer of the town, city or borough shall  
58 appoint one or more speeding and traffic control signal violation  
59 hearing officers, other than police officers or persons who work in the  
60 police department, to conduct the hearings authorized by this section.

61 (c) A town, city or borough may, not later than twelve months after  
62 the expiration of the final period for the uncontested payment of fines,  
63 penalties, costs or fees for any alleged violation of an ordinance  
64 regulating the speed of motor vehicles or of section 14-218a, 14-219 or  
65 14-299 of the general statutes detected and recorded by an automated  
66 traffic enforcement device pursuant to section 2 of this act, send notice  
67 to the registered owner of the motor vehicle by first class mail at such  
68 person's address according to the registration records of the  
69 Department of Motor Vehicles. Such notice shall inform the owner: (1)  
70 Of the allegations against such person and the amount of the fines,  
71 penalties, costs or fees due; (2) that such person may contest such  
72 person's liability before a speeding and traffic control signal violations  
73 hearing officer by delivering in person or by mail written notice not  
74 later than ten days after the date thereof; (3) that if such person does  
75 not demand such a hearing, an assessment and judgment shall enter  
76 against such person; and (4) that such judgment may issue without  
77 further notice.

78 (d) If the person to whom notice is sent pursuant to subsection (c) of  
79 this section wishes to admit liability for any alleged violation, such  
80 person may, without requesting a hearing, pay, in person or by mail to  
81 an official designated by the town, city or borough the full amount of  
82 the fines, penalties, costs or fees admitted to. Such payment shall be  
83 inadmissible in any proceeding, civil or criminal, to establish the  
84 conduct of such person or other person making the payment. Any

85 person who does not deliver or mail written demand for a hearing by  
86 the tenth day after the date of the first notice provided for in  
87 subsection (c) of this section shall be deemed to have admitted liability,  
88 and the designated town official shall certify such person's failure to  
89 respond to the hearing officer. The hearing officer shall thereupon  
90 enter and assess the fines, penalties, costs or fees provided for by the  
91 applicable ordinances and shall follow the procedures set forth in  
92 subsection (f) of this section.

93 (e) Any person who requests a hearing shall be given written notice  
94 of the date, time and place for the hearing. Such hearing shall be held  
95 not less than fifteen days nor more than thirty days from the date of  
96 the mailing of notice, provided the hearing officer shall grant upon  
97 good cause shown any reasonable request by any interested party for  
98 postponement or continuance. An original or certified copy of the  
99 initial notice of violation shall be filed and retained by the town, city or  
100 borough, be deemed to be a business record within the scope of section  
101 52-180 of the general statutes and be evidence of the facts contained  
102 therein. A person wishing to contest such person's liability shall  
103 appear at the hearing and may present evidence in such person's  
104 behalf. A designated town official, other than the hearing officer, may  
105 present evidence on behalf of the town. If such person fails to appear,  
106 the hearing officer may enter an assessment by default against such  
107 person upon a finding of proper notice and liability under the  
108 applicable statutes or ordinances. The hearing officer may accept from  
109 such person copies of police reports, Department of Motor Vehicles  
110 documents and other official documents by mail and may determine  
111 thereby that the appearance of such person is unnecessary. The  
112 hearing officer shall conduct the hearing in the order and form and  
113 with such methods of proof as the hearing officer deems fair and  
114 appropriate. The rules regarding the admissibility of evidence shall not  
115 be strictly applied, but all testimony shall be given under oath or  
116 affirmation. The hearing officer shall announce the hearing officer's  
117 decision at the end of the hearing. If the hearing officer determines that  
118 the person is not liable, the hearing officer shall dismiss the matter and

119 enter the hearing officer's determination in writing accordingly. If the  
120 hearing officer determines that the person is liable for the violation, the  
121 hearing officer shall forthwith enter and assess the fines, penalties,  
122 costs or fees against such person as provided by the applicable  
123 ordinances of that town, city or borough.

124 (f) If such assessment is not paid on the date of its entry, the hearing  
125 officer shall send by first class mail a notice of the assessment to the  
126 person found liable and shall file, not less than thirty days nor more  
127 than twelve months after such mailing, a certified copy of the notice of  
128 assessment with the clerk of a superior court facility designated by the  
129 Chief Court Administrator within the boundaries of the judicial district  
130 in which the town, city or borough is located together with an entry fee  
131 of eight dollars. The certified copy of the notice of assessment shall  
132 constitute a record of assessment. Within such twelve-month period,  
133 assessments against the same person may be accrued and filed as one  
134 record of assessment. The clerk shall enter judgment, in the amount of  
135 such record of assessment and court costs of eight dollars, against such  
136 person in favor of the town, city or borough. Notwithstanding any  
137 other provision of the general statutes, the hearing officer's assessment,  
138 when so entered as a judgment, shall have the effect of a civil money  
139 judgment and a levy of execution on such judgment may issue without  
140 further notice to such person.

141 (g) A person against whom an assessment has been entered  
142 pursuant to this section is entitled to judicial review by way of appeal.  
143 An appeal shall be instituted not later than thirty days after the  
144 mailing of notice of such assessment by filing a petition to reopen such  
145 assessment, together with an entry fee in an amount equal to the entry  
146 fee for a small claims case pursuant to section 52-259 of the general  
147 statutes, at a Superior Court facility designated by the Chief Court  
148 Administrator, which shall entitle such person to a hearing in  
149 accordance with the rules of the judges of the Superior Court.

150 Sec. 4. (NEW) (*Effective October 1, 2005*) Notwithstanding any  
151 provision of the general statutes, a violation of section 14-218a, 14-219

152 or 14-299 of the general statutes detected and recorded by an  
153 automated traffic enforcement device shall not constitute an infraction  
154 or violation, be processed by the Centralized Infractions Bureau, be  
155 considered a moving traffic violation, be reported to the Department of  
156 Motor Vehicles for inclusion on a person's driving record or cause the  
157 assessment of points against the operator's license of the person found  
158 to have violated said section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	14-107(b)
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	New section
Sec. 4	<i>October 1, 2005</i>	New section

**JUD**      *Joint Favorable Subst.*

**TRA**      *Joint Favorable*

**PD**        *Joint Favorable*

**PS**        *Joint Favorable*